

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



LAURA FREEMAN,

Plaintiff,

22-CV-1014 (JLS) (JJM)

v.

LIBERTY COMMUNICATIONS, INC.,
et al.,

Defendants.

DECISION AND ORDER

Plaintiff Laura Freeman commenced this action alleging various federal and state law claims, including employment discrimination, retaliation, failure to pay wages, defamation, intentional infliction of emotional distress, and tortious interference with contractual relations, prospective economic advantage, or business opportunity. Dkt. 1. On March 3, 2023, Defendants moved for dismissal of Counts 15-21 for failure to state a claim and/or for lack of standing. Dkt. 3. On March 6, 2023, this Court referred the case to the United States Magistrate Judge Jeremiah J. McCarthy for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 6.

Presently before the Court is Judge McCarthy's Report and Recommendation ("R&R") recommending the motion be granted in part and denied in part. Dkt. 23. Specifically, Judge McCarthy recommends dismissal of Count 15-20,¹ but with leave

¹ As noted in the R&R, Plaintiff withdrew Count 21—negligent infliction of emotional distress. Dkt. 23, at 4; Dkt. 19-1.

to replead. *Id.* No party filed objections to the R&R, and the time to do so has passed.

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge's recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which objections are not raised. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge McCarthy's R&R. In the absence of objections, the Court accepts and adopts Judge McCarthy's recommendation to grant the motion in part and deny the motion in part, as set forth in the R&R.

For the reasons stated above and in the R&R, Defendants' motion to dismiss Counts 15-21 (Dkt. 3) is GRANTED in part and DENIED in part: Counts 15-20 are dismissed, with leave to replead. Count 21 is dismissed as withdrawn. The case is referred back to Judge McCarthy for further proceedings consistent with the referral order of March 6, 2023. Dkt. 6.

SO ORDERED.

Dated: June 30, 2023
Buffalo, New York



JOHN L. SINATRA, JR.
UNITED STATES DISTRICT JUDGE